

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON**

JOEL C. GROSHONG, an Individual,

Plaintiff,

v.

MTGLQ INVESTORS, L.P., a Delaware limited partnership; **RUSHMORE LOAN MANAGEMENT SERVICES, LLC,** a foreign limited liability company; and **JOHN DOES 1–5,**

Defendants.

RUSHMORE LOAN MANAGEMENT SERVICES, LLC, a foreign limited liability Company; and **MTGLQ INVESTORS, L.P.,** a Delaware limited partnership,

Counter Claimants,

v.

JOEL C. GROSHONG, an Individual,

Counter Defendants.

Case No. 3:23-cv-01348-AR

**ORDER ADOPTING JUDGE
ARMISTEAD'S FINDINGS AND
RECOMMENDATION**

Christopher E. Hayes and Terry Scannell, Scannellaw, 7307 SW Beveland St Suite 200, Tigard, OR 97223. Attorneys for Plaintiff.

David W. Cramer and Michael J. Farrell, MB Law Group LLP, 117 SW Taylor Street, #200, Portland, OR 97204. Attorneys for Defendants.

IMMERGUT, District Judge.

On July 17, 2024, Magistrate Judge Jeff Armistead issued his Findings and Recommendation (“F&R”), ECF 21, recommending that this Court deny Plaintiff Joel C. Groshong’s Motion to Remand to Washington County Circuit Court, ECF 7. No party filed objections. Following clear error review, this Court ADOPTS Judge Armistead’s F&R.

STANDARDS

Under the Federal Magistrates Act (“Act”), as amended, the court may “accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1)(C). If a party objects to a magistrate judge’s F&R, “the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” *Id.* But the court is not required to review, de novo or under any other standard, the factual or legal conclusions of the F&R that are not objected to. *See Thomas v. Arn*, 474 U.S. 140, 149–50 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc). Nevertheless, the Act “does not preclude further review by the district judge, *sua sponte*” whether de novo or under another standard. *Thomas*, 474 U.S. at 154.

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CONCLUSION

No party having filed objections, this Court has reviewed the F&R and accepts Judge Armistead's conclusions. The F&R, ECF 21, is adopted in full. Plaintiff's Motion to Remand to Washington County Circuit Court, ECF 7, is DENIED.

IT IS SO ORDERED.

DATED this 7th day of August, 2024.

/s/ Karin J. Immergut
Karin J. Immergut
United States District Judge